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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,362	09/12/2000	Kazuko Iwatsuki	H-942	6662

24956 7590 07/09/2004

MATTINGLY, STANGER & MALUR, P.C.  
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SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

CHANG, RICHARD

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/660,362

Applicant(s)

IWATSUKI ET AL.

Examiner

Richard Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/12/2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 14, 17, 22 and 23 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-13, 15-16, 18-21 and 24-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/9/12/2000
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5, 9, 14, 17 and 22-23 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by US patent No. 6,026,075 ("Linville et al").

Regarding claims 1, Linville et al teach a MAC client for flow control mechanism (A network apparatus connected to...) comprising a buffer control 52 a software portion including a plurality of software modules for flow control mechanism (a band controller for providing an instruction...) and both software portion and hardware portion of the buffer control send Pause frame for starting or stopping either a link or some selected MAC sources (a transmitter connected to said at least...) (See Fig. 5, Col. 7, lines 41-63).

Regarding claims 4 and 17, Linville et al further teach that the buffer control identifies the traffic flows that contribute significant traffic and therefore should be individual flow-controlled and it determines the appropriate pause times that are to be formatted and sent by the Pause Frame Parsing and Building Mechanism 54, (said

band controller instructs said transmitter to transmit said control frame when ...) (See Fig. 5, Col. 8, lines 15-25).

Regarding claims 5, Linville et al further teach that each of the port cards includes a MAC module and is connected to a port to the transmission media (said transmitter is provided to correspond to...) (See Fig. 5, Col. 7, lines 42-63).

Regarding claims 9, Linville et al further teach the transmission links interconnecting the MAC controlled devices are primarily duplex links (FDX) transmitting data. (said at least one transmission medium is a full duplex link ...) (See Fig. 1, Col. 3, line 49 to Col. 4, line 10).

Regarding claims 14, Linville et al further teach a MAC device with the flow control mechanism in a LAN switch (A network apparatus connected to...) comprising a hardware portion including plurality of port cards connected to ports for data traffic (a plurality of ports each connected to...) (See Fig. 4, Col. 6, lines 13-66), a buffer control 52 with a software portion including a plurality of software modules for flow control mechanism (a band controller for providing an instruction...) and both software portion and hardware portion of the buffer control send Pause frame for starting or stopping either a link or some selected MAC sources (a transmitter for transmitting ...) (See Fig. 5, Col. 7, lines 41-63).

Regarding claims 22, Linville et al further teach a flow control mechanism within the MAC device buffer control (a method of communication between at least one first) comprising the steps of sending the traffic frame from other sources (transmitting a frame from said...), receiving and identifying frames in from a port (receiving said

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transmitted frame...), generating the flow control frame by the Pause Frame Parsing and Building Mechanism 54 includes both hardware and software (transmitting a control frame...) receiving a control frame (receiving said control frame...) and disabling the link for the appropriate amount of time (temporarily suspending frame transmission at said...) (See Fig. 5, Col. 7 Lines 64 to Col. 8, lines 66).

Regarding claims 23, Linville et al further teach the steps that S2 sends an enhanced Pause Frame according to the teachings of the present invention to Switch S1 requesting S1 to pause traffic designated for G for a particular period of time (preparing a control frame ... .. resumed after said suspension period has passed) (See Fig. 6, Col. 11, lines 4-8).

### ***Allowable Subject Matter***

3. Claims 2-3, 6-13, 15-16, 18-21 and 24-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is 703-605-4398. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

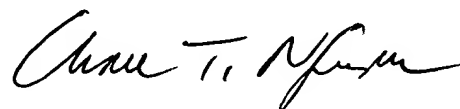
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Chang  
Patent Examiner  
Art Unit 2663

*Rkc*  
rkc



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SUPERVISORY PATENT EXAMINER  
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